

Enforcement in the field

A law has little impact unless people consistently comply. So some must go on the “dawn patrol.”

That's what the San Joaquin County Agricultural Commissioner calls his staff's early morning visits to farms. In Sutter County, inspectors study computerized field maps to help confirm whether farm pesticides are used.

California has stricter rules governing sale and use of pesticides than any state in the nation. Our County Agricultural Commissioners – the nation's largest group of local pesticide enforcement officers – oversee enforcement in 58 counties. While this regulatory system has served California for many decades, there was never any way to document its effectiveness – until now. In 2001, DPR completed a five-year Compliance Assessment Report that monitored industry observance of pesticide rules and regulations.

“The report required a tremendous commitment of Department resources and lengthy research because it included 21 key agricultural counties,” said Enforcement Branch Chief Scott Paulsen (himself a former agricultural commissioner). “But we knew it was important to look at each county's individual situation, because each county has unique compliance issues, based on individual crops, industry practices, and other factors.

“We recognized that these county assessments were only ‘snapshots in time’ and didn't represent the overall quality of local enforcement,” Paulsen continued. “Our goal was to help Commissioners focus their activities more efficiently and effectively.”

Several counties already are using compliance assessment information to fine-tune their enforcement activities. “We put more emphasis on what we call ‘dawn patrol’ because, frankly, a lot of farm work is done in the early-morning hours, so that's when we need to be there,” said San Joaquin County Agricultural Commissioner Scott Hudson.

Added Sutter County Agricultural Commissioner Mark Quisenberry, “I welcomed the audits because we all tend to get into a routine with the way we do business. This compliance information can be a real eye-opener.”

Quisenberry and his staff were working with GIS (geographic information system) maps to track grower activities. Now they're using the GIS data to help on compliance. For example, inspectors review GIS data to identify plots of land for which no agricultural permits have been issued. Then they visit the site to confirm that there has been no agricultural activity.

In San Joaquin County, Hudson and his staff have implemented their own “mini-compliance assessment program,” which has helped speed up formal actions when a health or safety violation is detected. Hudson said he's also putting more emphasis on communication. “We hold meetings with the local Farm Bureau and other groups to discuss compliance data, and we're also providing checklists and other materials, like worker health and safety handouts, to help them.”

In 2002, DPR began a series of follow-up audits in the counties audited early on. Meanwhile, the Department's compliance oversight authority was clarified and strengthened by the Legislature. Despite fiscal restraints, DPR's emphasis on compliance and enforcement will continue.

ENCOURAGING COMPLIANCE: Helping pesticide users know the rules is the focus of outreach material produced by DPR's Enforcement Branch, under a grant from the U.S. Environmental Protection Agency, Region 9. Two handouts focusing on "Pesticide Safety – It's the Law" were distributed in 2002 by County Agricultural Commissioners to thousands of restricted material permit holders. (These permits are required before buying or using many agricultural chemicals.) A second series of eight pocket-sized leaflets are being distributed by Commissioners and DPR field staff. The leaflets provide information to employers and employees on worker safety regulations, safety training, protective equipment, and emergency medical care. DPR staff also worked with the University of California and licensees to develop new study guides and examination materials for licensee candidates, including a new manual on integrated pest management and a completely updated laws and regulations study guide. Both are posted online.

FOCUS ON FARM WORKERS: Since 1999, DPR managers and technical experts have met regularly with public-interest and farm labor groups, County Agricultural Commissioners, state and local public health officials, migrant health clinic directors, and agricultural production representatives to get input on ways to enhance worker safety. To follow up on the information we gathered, the Department conducted formal studies of field posting (one of the ways workers are informed that pesticides have been applied to a field), notification requirements in general, and the hazard communication rules (which require workers to be informed about the hazards of working with pesticides and the symptoms of illness). As a result, DPR directed the Commissioners to make compliance with these requirements a priority, and to take strong enforcement action against violators. We are also revising rules and regulations to put a system in place that ensures the right information gets to workers when and where they need it.

BORDER PROJECT: An April 2002 workshop co-hosted by the departments of agriculture of both California and Baja California Norte in Ensenada, Mexico, was the forum for DPR staff and Mexican growers to discuss illegal pesticide residues found by DPR on produce grown in Mexico. DPR also provided instruction about pesticide use practices to avoid illegal residues on crops. One goal of this project is to reduce the number of Mexican produce shipments containing illegal pesticide residues. DPR also received a U.S. EPA grant to update the Pesticide Episode Response Plan that sets out how California and Mexican agencies respond to pesticide-related incidents in the border area. Mock episode exercises will also be conducted.

